

## RULEMAKING NOTICE FORM

Notice Number \_\_\_\_\_

Rule Number Env-A 400

1. Agency Name &amp; Address:

**Dept. of Environmental Services  
P.O. Box 95  
Concord, NH 03302-0095**

2. RSA Authority: **RSA 125-C:4, I(a)**3. Federal Authority: **N/A**

4. Type of Action:

Adoption \_\_\_\_\_

Amendment \_\_\_\_\_

Repeal \_\_\_\_\_

Readoption \_\_\_\_\_

Readoption w/amendment **X**5. Short Title: **ACID DEPOSITION CONTROL PROGRAM**

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

These rules require all sources that emit 100 tons or more of sulfur dioxide (SO<sub>2</sub>) per year to reduce their emissions of SO<sub>2</sub> as required by RSA 125-D:3. Reducing emissions of SO<sub>2</sub> will reduce the adverse effects of acid deposition on ecosystems and public health. The rules will expire on March 5, 2005 unless readopted prior to that date. No new requirements or major substantive changes to the existing requirements are being proposed.

6. (b) Brief description of the groups affected:

The proposed rule affects any source that emits 100 tons or more of sulfur dioxide (SO<sub>2</sub>) per year as specified in Env-A 401.02 to reduce their emissions of SO<sub>2</sub> as required by RSA 125-D:3.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

<b>Provision of the Proposed Rule</b>	<b>Specific State Statute the Rule is Intended to Implement</b>
Env-A 401 (existing Env-A 402.01 renumbered as Env-A 401.02)	RSA 125-D:1; RSA 125-D:3
Env-A 402 (existing Env-A 403 renumbered as Env-A 402)	RSA 125-D:3, I(b)
Env-A 403 (existing Env-A 404 renumbered as Env-A 403)	RSA 125-D:3, I(c) and I(e)
Env-A 404 (existing Env-A 405 renumbered as Env-A 404)	RSA 125-D:3, I(f)(1) and I(f)(2)
Env-A 405 (existing Env-A 406 renumbered as Env-A 405)	RSA 125-D:3, II(b); RSA 125-C:6, XI

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Sheri Eldridge-Banack** Title: **ARD SSMB Planning Specialist**  
Address: **Dept. of Environmental Services** Phone #: **271-0880**  
**P.O. Box 95** Fax#: **271-7053**  
**Concord, NH 03302-0095** E-mail: **sbanack@des.state.nh.us**

The proposed rule can be viewed and  
downloaded at  
<http://www.des.state.nh.us/ard/prpsdrul.htm>.

TTY/TDD Access: Relay NH 1-800-735-  
2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Thursday, November 18, 2004 at 4:00 pm**

☒ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **November 8, 2004, 9:00 am**  
**NH Dept. of Environmental Services**  
Place: **Room 114**  
**29 Hazen Drive**  
**Concord, NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 04:175 , dated September 13, 2004

Fiscal Impact Statement for Department of Environmental Services rules governing the Acid Deposition Control Program. [Env-A 400]

**1. Comparison of the costs of the proposed rule(s) to the existing rule(s):**

There is no change in cost when the proposed rules are compared to the existing rules.

**2. Cite the Federal mandate. Identify the Impact on state funds:**

There is no federal mandate for the proposed rules. However, the existing rules are part of the State Implementation (SIP), which has been approved the U.S Environmental Protection Agency pursuant to Section 110 of the Clean Air Act, 42 U.S.C. 7410. The State would be in violation of the SIP and would potentially be subject to sanctions if it allowed Env-A 400 to expire as scheduled on March 5, 2005.

**3. Cost and benefits of the proposed rule(s):**

There is no additional cost or benefit associated with the proposed rules.

**A. To State general or State special funds:**

None.

**B. To State citizens and political subdivisions:**

None.

**C. To independently owned businesses:**

None.

**11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:**

There are no political subdivisions subject to the proposed rules. Therefore, the proposed rules do not violate Part I, Article 28-A of the New Hampshire Constitution, because they do not assign any new, modified, or expanded programs or responsibilities to political subdivisions of the state in such a way as to necessitate additional local expenditures.